

Notice of Allowability

Application No.

10/620,882

Examiner

Steven J. Ganey

Applicant(s)

OZMENT, ALDEN

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed March 30, 2006.
2. ☒ The allowed claim(s) is/are 1,2 and 4-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John E. Vanderburgh on June 26, 2006.

2. The application has been amended as follows:

In the claims:

Claim 1, line 3, the phrase --an area of said-- has been inserted before the phrase "mine shaft".

Claim 1, line 9, the phrase --of non-flammable liquid to form a stream of foam fire suppressant-- has been inserted after the phrase "said stream".

Claim 1, line 10, the phrase "said expanded" has been changed to --an expanded--.

Claim 1, line 11, the phrase --at least one-- has been inserted before the phrase "ingress point".

Claim 2, line 2, the phrase "an area" has been changed to --said area--.

Claim 2, line 2, the word "introducing" has been changed to --directing--.

Claim 2, line 2, the phrase --stream containing said expanded-- has been inserted before the word "foam".

Claim 5, line 1, the word --expanded-- has been inserted before the word "foam".

Claim 7, line 1, the phrase --fire suppressant-- has been inserted after the word “foam”.

Claim 7, lines 1 and 2, the phrase “the sealed portion” has been deleted. The phrase --said area of said mine shaft-- has been inserted before the word “involved”.

Claim 7, line 2, the phrase --at least one-- has been inserted before the phrase “ingress point”.

Claim 8, line 1, the word --said-- has been inserted before the phrase --at least one--.

Claim 8, line 2, the word “foam” has been deleted.

Claim 15, line 7, the phrase --of non-flammable liquid to form a stream of foam fire suppressant-- has been inserted after the phrase “said stream”.

Claim 15, line 7, the phrase “said expanded” has been changed to --an expanded--.

Claim 15, line 8, the phrase --at least one-- has been inserted before the phrase “ingress point”.


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is 571-272-4899. The examiner can normally be reached on 7:00-5:00; M,Tu, W and Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven J. Ganey
Primary Examiner
Art Unit 3752

sjg
6/26/06


STEVEN J. GANEY
PRIMARY EXAMINER
6/26/06